

ONE HUNDRED AND TWENTY-SEVENTH MAINE
LEGISLATURE
17th Regular Session
43rd Legislative Day
Thursday, May 14, 2015

The House met according to adjournment and was called to order by the Speaker.

Prayer by Pastor Jonathan Jones, Lisbon Falls Baptist Church.

Colors presented by Loring Job Corps Center Honor Guard, Limestone.

National Anthem by Chamber Choir, Maine Central Institute, Pittsfield.

Pledge of Allegiance.

Doctor of the day, Lisa Letourneau, M.D., M.P.H., Portland.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 153)

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

May 13, 2015

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Criminal Justice and Public Safety

L.D. 548 An Act To Provide a Concealed Handgun Permit for Active Military Members

L.D. 1113 An Act To Replace the Bail Code with a System of Validated Risk Assessment Tools

Energy, Utilities and Technology

L.D. 342 An Act To Reduce the E-9-1-1 Surcharge

L.D. 1107 An Act To Improve the Laws Governing the Purchasing of Power

L.D. 1116 An Act To Authorize the Development of Thorium Energy

Environment and Natural Resources

L.D. 659 Resolve, To Increase Recycling in Maine through Increased Composting and Energy Recovery from Organic Wastes (EMERGENCY)

L.D. 947 An Act To Fund State Efforts To Reduce the Landfilling of Solid Waste

L.D. 1204 An Act To Increase Recycling and Composting by Creating the Maine Recycling Fund

L.D. 1359 An Act To Assist Municipalities with the Recycling of Solid Waste by Allowing Net Electrical Billing Credits

Health and Human Services

L.D. 20 An Act To Improve Substance Abuse Treatment

L.D. 266 An Act To Allow Access for Law Enforcement Officers to the List of Registered Primary Caregivers for Medical Marijuana Patients

L.D. 766 An Act To Require a Medical Marijuana Primary Caregiver Cultivating in a Residential Building To Obtain an Electrical Permit

Labor, Commerce, Research and Economic Development

L.D. 1288 An Act To Attract Skilled Professionals and Young Families to Maine

L.D. 1333 An Act To Ensure Economic Stability in Washington County

L.D. 1345 An Act To Provide Funding for Incubators for Business Start-ups

Veterans and Legal Affairs

L.D. 585 An Act Regarding the Processing of Absentee Ballots Prior to Election Day

L.D. 620 An Act To Allow Veterans' Organizations To Own and Operate Slot Machines

Sincerely,

S/Robert B. Hunt

Clerk of House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.C. 304)

**MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY**

May 13, 2015

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Senate Paper 42, Legislative Document 48, "An Act To Reduce Registration Fees and Excise Taxes for For-hire Vehicles with Adaptive Equipment Enabling Access by Persons with Disabilities," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

15 voted in favor and 20 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 305)

**MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY**

May 13, 2015

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Senate Paper 14, Legislative Document 13, "An Act To Provide an Exemption from Sales Tax and Service Provider Tax to Nonprofit Collaboratives of Libraries," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on

the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

15 voted in favor and 20 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 306)

**MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY**

May 13, 2015

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised the Senate today adhered to its previous action whereby it Passed "RESOLUTION, Proposing an Amendment to the Constitution of Maine To Lower the Age Requirement To Run for Legislative Office" (S.P. 28) (L.D. 80), to be engrossed as amended, in non-concurrence.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 307)

**MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY**

May 13, 2015

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Insurance and Financial Services on Bill "An Act To Restore Consumer Rate Review for Health Insurance Plans in the Individual Market" (H.P. 175) (L.D. 243), in non-concurrence.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Allow a Victim of a Crime To Be Represented by an Attorney at a Sentencing Hearing"

(H.P. 960) (L.D. 1413)

Sponsored by Representative HERBIG of Belfast.

Cosponsored by Senator KATZ of Kennebec and Representatives: Speaker EVES of North Berwick, HOBBS of

Saco, MONAGHAN of Cape Elizabeth, Senators: CUSHING of Penobscot, VOLK of Cumberland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested.

The Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

Bill "An Act To Fund a Training Partnership between Riverview Psychiatric Center and the University of Maine at Augusta"

(H.P. 959) (L.D. 1412)

Sponsored by Speaker EVES of North Berwick.

Cosponsored by Senator KATZ of Kennebec and Representative: POULIOT of Augusta.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

Bill "An Act Regarding the Disposition of Certain Funds Received by the Attorney General Pursuant to a Court Order or Settlement" (EMERGENCY)

(H.P. 961) (L.D. 1414)

Sponsored by Representative FREDETTE of Newport. (GOVERNOR'S BILL)

Committee on **JUDICIARY** suggested.

On motion of Representative McCABE of Skowhegan, **TABLED** pending **REFERENCE** and later today assigned.

Bill "An Act Regarding Interstate Shellfish Depuration" (EMERGENCY)

(H.P. 962) (L.D. 1416)

Sponsored by Representative BEAVERS of South Berwick.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **MARINE RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** and ordered printed.

Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

ORDERS

On motion of Representative ESPLING of New Gloucester, the following Joint Order: (H.P. 963)

ORDERED, the Senate concurring, that Bill, "An Act Regarding Ethanol Motor Fuel," H.P. 558, L.D. 824, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ and PASSED.

Sent for concurrence.

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 23)

ORDERED, that Representative Henry E. M. Beck of Waterville be excused May 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Pinny Beebe-Center of Rockland be excused May 12 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Mark N. Dion of Portland be excused May 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Karen A. Gerrish of Lebanon be excused May 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Martin J. Grohman of Biddeford be excused April 29 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Jeffery P. Hanley of Pittston be excused May 6 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Jonathan L. Kinney of Limington be excused May 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Roland Danny Martin of Sinclair be excused May 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas H. Skolfield of Weld be excused May 5 and 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peter C. Stuckey of Portland be excused May 7 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Dana Connors, of Gray, president of the Maine State Chamber of Commerce, on his receiving an honorary doctorate from the University of Maine at the university's 213th Commencement. Mr. Connors is the leader of the State's largest and most diverse business association and oversees a broad range of activities, including advocacy efforts, economic development initiatives, workforce development initiatives and a wide variety of member services for the business community. A Maine native, he received a bachelor's degree in public management from the university in 1965. He began his career as the city manager of Presque Isle and later served as Commissioner of Transportation under 2 governors and as leader of Governor Angus King's transition team before becoming president of the Maine State Chamber of Commerce in 1994. He has received numerous awards for his service and leadership. We extend to Mr. Connors our congratulations and best wishes;

(HLS 361)

Presented by Representative HOBBS of Saco.

Cosponsored by President THIBODEAU of Waldo, Speaker EVES of North Berwick, Senator MASON of Androscoggin, Senator CUSHING of Penobscot, Senator ALFOND of Cumberland, Senator HILL of York, Representative McCABE of Skowhegan, Representative GIDEON of Freeport, Representative FREDETTE of Newport, Representative ESPLING of New Gloucester, Senator BREEN of Cumberland, Senator VOLK of Cumberland, Representative HERBIG of Belfast, Representative TIMMONS of Cumberland, Representative AUSTIN of Gray.

On **OBJECTION** of Representative HOBBS of Saco, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Hobbins.

Representative **HOBBS**: Thank you very much, Mr. Speaker, and Women and Men of the House, it gives me great honor to stand before you as the primary sponsor, along with a group of distinguished legislators that are listed in your calendar today. It is really something to be given an honorary degree, an honorary Doctorate degree, and there's no one more rewarding and should be rewarded with a degree than Dana Connors.

Dr. Connors, who I think we should refer to, if he were receiving a degree in health care, a Doctorate health care or medicine, you would have to look at his scope of practice. And I can tell you, I don't think he specializes in any one area or scope of practice. In his practices, with his now Doctorate, he has a scope of practice that includes: Advocacy efforts for the State of Maine, economic development initiatives, workforce leadership initiatives. He has been a member and an advocate of so many private entities and groups and commissions that you can't name them all. He's been a mediator. He leads by example. He's been a city manager. He has been a leader in both the public and the private sector. He truly has a Doctorate in making Maine move forward.

And so, with that, and also in honor of Doctor Connors, I decided to wear my little handkerchief today, because as you know, that Doctor Connors is a dapper, a very dapper dresser. And I did wear my suit with the pinstripes and the cuff links and the initials in honor of Doctor Connors. So, I know there are going to be others who are going to speak, and I just want you to know, Dana, you are truly respected by both sides of the aisle here in the House and also in the other lower body. So thank you very much for all of your efforts.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise today as chair of the Committee on Labor, Commerce, Research and Economic Development to wish Dana Connors a special congratulations today. As you may expect, Dana and his staff are regulars before our committee. He is a strong advocate for businesses in our state and for growing our economy. His team brings expertise and knowledge that our committee values greatly.

Dana Connors, of Gray, President of the Maine State Chamber of Commerce, on his receiving an honorary Doctorate from the University of Maine at the University's 213th commencement. Mr. Connors is the leader of the state's largest and most diverse business association and oversees a broad range of activities including advocacy efforts, economic development initiatives, workforce development initiatives, and a wide variety of member services for the business community.

A Maine native, he received a Bachelor's degree in public management from the University in 1965. He began his career as the City Manager of Presque Isle and later served as Commissioner of Transportation under two governors, and a leader of Governor Angus King's transition team before becoming President of the Maine State Chamber of Commerce in 1994. He has received numerous awards for his service and leadership. We extend to Mr. Connors our congratulations and best wishes.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you very much, Mr. Speaker. Mr. Speaker and Members of the House, we finally have, I believe, Dana embarrassed. And, he's one of those who really tries to shy away from some of this, and today he can't avoid it.

Dana and I go back a long way, matter of fact we were students together at the University of Maine in Orono. And we had, every Sunday we had the Aroostook crowd would get together in the Bears' Den to figure out what we were going to do over the next week. And so, that's how far back we go, and I want to tell you that sometimes, you know, we would do things, perhaps we wouldn't want to be talking about publicly. And Dana was one of those who was always willing to do and get involved, by the way he's from Easton, in case that hasn't been said, a native of Easton. And of course, we worked together through all the years.

And then, of course, when he graduated, I ended up running for the Legislature, and he became City Manager of Presque Isle, and he would constantly call and say, "Alright, Presque Isle needs this. What are you going to do about it?" He's one of those who's been an advocate for wherever he's been, and so today, we congratulate him and expect to see great things. Don't expect him to retire, not yet, not completely, but maybe at some point to run as a Democrat for the Legislature.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, I really rise today just to echo the comments by my fellow colleagues who have had the opportunity to work with Doctor Connors over the years, and also for the opportunity to rise, and often when I speak at events where Dana might be the emcee, or speak at events that involve Dana, or have meetings with Dana, I imagine Dana really never knows what I might say, so it's a good opportunity to rise and think about some of the things that I would say about Dana.

So, for me, one of the most important things, I think, about Dana is just how calm Dana is under all circumstances, even when you may disagree. And I do have to say that Dana is always willing to meet with you, even if you might come from a different side of the issue just to really talk and see if there is some middle ground. I also think that the amount of institutional knowledge that Dana brings to these issues here in the State House, outside the State House, state-wide issues, is so, so important.

But most importantly, I think it's an opportunity today to rise and to really pay tribute to Dana's keen fashion sense, that I have to say, I often look, you know, when we meet, and I say, "This is a sharp dressed guy." So, congratulations Dana on this honor, and congratulations to the Chamber.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker, Men and Women of the House, Dana Connors is so very deserving of the accolades he's received this morning, and I just wanted to stand to add my congratulations, as well as my gratitude to him for his friendship over the years and for his many wonderful years of public service, which have been so very important to the people of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Mr. Speaker, I just want to echo the sentiments of my colleagues who've stood up and spoken today on behalf of Dana. Dana, we appreciate all the work that you do. As I said earlier, we especially appreciate the relationship that we have with the Chamber, and the fact that you are very engaged with us. We hope that folks understand that we like that as legislators. We encourage that. We want to hear from constituents. We want to hear from businesses. So, thank you for that relationship that we have had.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

Recognizing:

Charlene Wagner, of Gardiner, who is retiring from her position as Children's Librarian at the Gardiner Public Library after 35 years of service. Ms. Wagner's work has improved the lives of children in the Gardiner area, and she has been an invaluable member of the library, traveling to community schools to advocate for literacy, helping young people develop a love of reading and assisting with monthly library book discussions. She has been involved with the Maine Library Association, the American Library Association and the Maine State Library's purchasing cooperative, SCOOP. She is also a charter member of the Maine State Library's Reading Round-up. We extend to Ms. Wagner our congratulations and best wishes;

(HLS 384)

Presented by Representative GRANT of Gardiner.

Cosponsored by Senator McCORMICK of Kennebec.

On **OBJECTION** of Representative GRANT of Gardiner, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, it is my great pleasure to welcome Charlene Wagner to the State House today. It would be difficult to overstate the importance of Charlene's role in the greater Gardiner community for the past 35 years, during which she has served as the Children's Librarian at Gardiner Public Library. That's 35 years of enriching our community, instilling a love of learning and reading in our children, and positively impacting literally generations of residents of Gardiner and surrounding communities.

The children's room at Gardiner Public Library is a wondrous place. It is magical, and for 35 years it's been because of Charlene Wagner. Her quiet presence exuding a love of reading and learning and books, and the wonders of stories in the printed word are a precious gift to any child, but she has done this for thousands of children.

My children and I spent many happy hours at the Gardiner Public Library. It's a special place, and it's because of Charlene. I can remember many times watching her with children who might not have had an adult there with her. "I'd like a book about rabbits please." And she would take them quietly to the shelf where the books on animals were and open up that world that only books can open up for a child. I cannot tell you how much I admire and respect this woman who never makes a big stir about herself. She never, never blows her own horn.

And so it is especially, especially gratifying to be able to do that here in the State House for Charlene Wagner today. So I congratulate her on behalf of the members of the Legislature, on behalf of the people of Maine and the citizens of the regions surrounding the Gardiner Public Library. Thank you, Charlene for your 35 years of loving, dedicated service to the children of our region. Thank you, Mr. Speaker.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

Recognizing:

Charles "Chip" Morrison, of Auburn, on his retirement as President of the Androscoggin County Chamber of Commerce. Mr. Morrison has led the chamber since 1995. Prior to joining the chamber, he served as City Manager of Auburn, Commissioner of Labor and Commissioner of Administration. Over the course of his career, Mr. Morrison has received several honors, including the Maine Development Foundation's Ken Curtis Leadership Award and being named the State of Maine Public Administrator of the Year, the Auburn Citizen of the Year, the Maine Chamber Executive of the Year and the 2008 MaineBiz Nonprofit CEO of the Year. We extend to Mr. Morrison our congratulations on his retirement and our best wishes;

(HLS 385)

Presented by Representative ROTUNDO of Lewiston.

Cosponsored by Representative BICKFORD of Auburn, Representative BROOKS of Lewiston, Representative CHACE of Durham, Representative CRAFTS of Lisbon, Representative DILLINGHAM of Oxford, Representative ESPLING of New Gloucester, Representative GILBERT of Jay, Representative GOLDEN of Lewiston, Representative GREENWOOD of Wales, Representative LAJOIE of Lewiston, Representative McCLELLAN of Raymond, Representative MELARAGNO of Auburn, Representative SAWICKI of Auburn, Representative TIMBERLAKE of Turner, Representative WOOD of Greene, Senator BRAKEY of Androscoggin, Senator LIBBY of Androscoggin, Senator MASON of Androscoggin, Senator PATRICK of Oxford.

On **OBJECTION** of Representative ROTUNDO of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker, Men and Women of the House, several years ago, the *Lewiston Sun Journal* asked readers to nominate members of the community they considered to be "Community Treasures." It will come as no surprise to anyone who knows Chip Morrison and knows the Lewiston-Auburn community to learn that Chip was selected by the readers as one of LA's great "Treasures."

Chip's long and distinguished record of public service in Maine speaks for itself. What I want to underscore in my comments this morning is how much this state owes, not just to Chip's terrific leadership and professional expertise, but to his unbridled optimism and energy that have been so critical to the extraordinary economic development of this state, and particularly to the Lewiston-Auburn area.

Whenever a new project is proposed, Chip is the first to come to the table, throwing himself into the project to make sure it succeeds. He is one of the most effective cheerleaders in this state. He brings that same energy and enthusiasm to all sorts of civic programs, from his trombone playing in the Auburn Community Band to his acting in Community Little Theatre.

Chip and his wife, Jane, are the backbone of our community. They are the heart and soul of our community. They are exemplary models of the finest kind of citizenship. Chip has been a wonderful and supportive mentor and friend to so many of us over the years. We are deeply grateful to him for the myriad of ways he has enriched our lives, for the quality of life of our community and the quality of life we enjoy in our state. Thank you so much, Chip; you truly are a treasure.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Mr. Speaker, again I rise to congratulate another member of the Chamber.

Congratulations, Chip, on your retirement. I haven't known you as long as some, but I do appreciate you and all that you have done. You have done a lot to make the local Chamber very active in our community and I do appreciate that. I especially appreciate the outreach and the input that you have been able to facilitate with our Androscoggin delegation, and how important that is to have that dialogue. And so, I appreciate all you have done and congratulate you again on your retirement.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

Recognizing:

the Skowhegan Area Chamber of Commerce, on the celebration of the 75th Anniversary of its founding. In 1940, the chamber was founded in Skowhegan and now serves 9 other central Maine communities. We send our appreciation and congratulations to the members of the Skowhegan Area Chamber of Commerce on their commitment to their community and we send them our best wishes for continued success;

(HLS 386)

Presented by Representative McCABE of Skowhegan.

Cosponsored by Senator WHITEMORE of Somerset.

On **OBJECTION** of Representative McCABE of Skowhegan, was **REMOVED** from the Special Sentiment Calendar.

READ

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, I promised my caucus earlier that I wouldn't speak to the next eight items, I would just speak to this item, so before you is a recognition on the 75th anniversary of the Skowhegan Area Chamber. I rise to congratulate the Chamber on this momentous occasion, and also to thank Cory King for his leadership, his leadership in growing our Chamber, an area Chamber, and really growing collaboration with other organizations and businesses in our area. So thank you.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

REPORTS OF COMMITTEE**Divided Reports**

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Eliminate the Requirement That Truck Campers Be Registered"

(S.P. 476) (L.D. 1308)

Signed:

Senator:

ROSEN of Hancock

Representatives:

McLEAN of Gorham

BRYANT of Windham

GILLWAY of Searsport

GOLDEN of Lewiston

PARRY of Arundel

POWERS of Naples

VEROW of Brewer

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Senators:

COLLINS of York

DIAMOND of Cumberland

Representatives:

FARRIN of Norridgewock

HOBART of Bowdoinham

HOGAN of Old Orchard Beach

Came from the Senate with the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

Representative McLEAN of Gorham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Hobart.

Representative **HOBART**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, there's a lot of confusion over this bill. This is not about tow-behind campers; this is about the type of unit that slides into the back of a pickup truck. This registration program for these campers has failed miserably. There are hundreds of these in the state, but yet there are only 94 that are registered. Additionally to that, the majority of law enforcement doesn't even realize these require registration. So therefore, I'm going to vote against this, and I would ask my colleagues to do the same. Thank you.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, as you can see, I was on the Ought Not to Pass side. We went back and forth on this issue and in reflection, I agree with my good colleague from Bowdoinham that this is such a small thing, and I think that we should allow this exemption, so I'll be voting against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative **SKOLFIELD**: Thank you, Mr. Speaker, I should also point out that I co-signed that bill with Senator Davis, and primarily because about 20 years ago I owned one of those little slide-in pickup campers. It was a neat little rig.

And, I did the right thing, I registered it, and I did that for a couple of years, and in talking to some of my law enforcement friends about that, they said, "What's that sticker on the back of your camper?" And I said, "That's an excise tax sticker; I'm registered." They said, "We had no idea you had to do that."

And, I began to question folks in law enforcement about it, and it was completely new to them that we had to do anything of that sort. So, I think the statute of limitations has run out since that, I stopped registering the doggone thing, and no one ever noticed. So, I believe that this is unnecessary government regulation, and because of the almost minimal numbers who actually abide by the law, I think we should eliminate that particular regulation. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative McLean.

Representative **McLEAN**: Thank you, Mr. Speaker, very briefly, this bill would remove the excise tax for slide-in campers. It's already in current law that folks have to do this, and there are people who are not following the law and cities and towns are losing out on excise tax money that would go into roads and

bridges, or other infrastructure projects in their communities. So, this is money that cities and towns are going to lose out on if we remove this excise tax. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Searsport, Representative Gillway.

Representative **GILLWAY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I just rise to explain why I voted against this bill. The bill certainly seems harmless enough, and I am not even sure if any of these campers are registered in my town, but they certainly are for some of us.

The state has slowly been taking away revenue sharing for the past nine years, and in the last session, we lowered the rate for the local road assistance program by a mere one percent. The revenue that we give towns is dying a death of a slow million dollar cuts. I say we stop the bleeding, and that's why I voted against it.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Farrin.

Representative **FARRIN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I voted on the Minority Report on this for a very simple reason. You know, I came down here with, listened to my constituents and hopefully from a common sense standpoint.

The intent of this bill that Senator Davis put forward was to do away with a restriction that 94 campers are registered in the State of Maine right now. It was not, and we turned that around from a simple five minute discussion as a committee, to not only defeat knocking down this bill, but the sending out letters to law enforcement and the municipal officials to enforce this. And I talked with some of the law enforcement folks afterwards, and said, "So, we're going to add something else to their plate. Maybe we should stop, you know, OUI enforcement on Memorial Day weekend and look for slide-in campers."

And I just, I think at some point, we have to say, "Folks, we got to stop." And what the intent that the sponsors of this bill had was to take authority, or burdens, away from our municipalities and law enforcement officers, not to add more to it, and sometimes, we just got to take a look and say, "What are we doing?" Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 77

YEA - Alley, Babbidge, Bates, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Duchesne, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Golden, Goode, Grant, Hamann, Herbig, Hickman, Hobbins, Hogan, Hubbell, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schnee, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Welsh, Mr. Speaker.

NAY - Austin, Battle, Beavers, Bickford, Black, Buckland, Chace, Corey, Crafts, Dillingham, Dunphy L, Dunphy M, Edgcomb, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Greenwood, Grohman, Guerin, Hanington, Hanley, Harlow, Hawke, Head, Higgins, Hilliard, Hobart, Hymanson, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Shaw, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Theriault,

Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood.

ABSENT - Campbell J, Campbell R, Dion, Doore, Herrick, McClellan.

Yes, 73; No, 72; Absent, 6; Excused, 0.

73 having voted in the affirmative and 72 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass** on Bill "An Act To Improve Program Integrity Activities within the Department of Health and Human Services"

(H.P. 288) (L.D. 421)

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook

BURSTEIN of Lincolnville

HAMANN of South Portland

HYMANSON of York

PETERSON of Rumford

STUCKEY of Portland

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senators:

BRAKEY of Androscoggin

McCORMICK of Kennebec

Representatives:

HEAD of Bethel

MALABY of Hancock

SANDERSON of Chelsea

VACHON of Scarborough

READ.

On motion of Representative GATTINE of Westbrook, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Resolve, To Study the Feasibility and Cost of Providing Passenger Rail Service to the City of Bangor

(H.P. 806) (L.D. 1174)

Signed:

Senators:

COLLINS of York

DIAMOND of Cumberland

ROSEN of Hancock

Representatives:

McLEAN of Gorham

BRYANT of Windham

FARRIN of Norridgewock

GILLWAY of Searsport

GOLDEN of Lewiston

HOBART of Bowdoinham

HOGAN of Old Orchard Beach

PARRY of Arundel

POWERS of Naples

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-134)** on same Resolve.

Signed:

Representative:

VEROW of Brewer

READ.

Representative McLEAN of Gorham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunphy.

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, LD 1174 is about so much more than rail. It's about the potential that it could be. This bill is about connecting communities. It's about connecting cities and towns like my hometown of Old Town, like Bar Harbor, like Millinocket, to Waterville and to Augusta and beyond. It's about linking towns like Fairfield and Skowhegan to Bangor, to Augusta, and to Portland. And this bill is also about economic development and jobs.

Passenger rail will make for a much more mobile and versatile workforce, and it's good for industry. So please support the Minority Ought to Pass as Amended report, and thank you.

Representative GIDEON of Freeport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 78

YEA - Austin, Battle, Bickford, Black, Bryant, Buckland, Chace, Corey, Crafts, DeChant, Dunphy L, Edgecomb, Espling, Farrin, Foley, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Greenwood, Hanington, Hanley, Hawke, Herbig, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Kumiega, Lockman, Long, Lyford, Maker, Malaby, Marean, McCabe, McElwee, McLean, Nutting, O'Connor, Parry, Peterson, Pickett, Pierce J, Powers, Prescott, Rykerson, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, White, Winsor, Wood, Mr. Speaker.

NAY - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, Devin, Dillingham, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Fredette, Frey, Golden, Goode, Grant, Grohman, Guerin, Hamann, Harlow, Head, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCreight, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Picchiotti, Pierce T, Pouliot, Reed, Rotundo, Russell, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Tepler, Theriault, Tipping-Spitz, Tucker, Verow, Wallace, Ward, Warren, Welsh.

ABSENT - Campbell J, Campbell R, Dion, Doore, Herrick, McClellan.

Yes, 69; No, 76; Absent, 6; Excused, 0.

69 having voted in the affirmative and 76 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative MARTIN of Eagle Lake, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-134)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Resolve was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-134)** and sent for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 93) (L.D. 255) Bill "An Act To Preserve the Integrity of Maine's Shellfish Industry by Increasing the Penalty for Interfering with Permitted Harvest" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-84)**

(S.P. 270) (L.D. 740) Bill "An Act To Sustain Maine's Primary Care Professional Workforce" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-56)**

(S.P. 366) (L.D. 1040) Bill "An Act To Enhance Funding Opportunities for the Youth Conservation Corps" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-86)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

ENACTORS

Emergency Measure

Resolve, To Establish the Commission To Study Parking for Persons with Physical Disabilities

(H.P. 621) (L.D. 902)
(C. "A" H-116)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 136 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Provide Tax Credits for Adult Day Care and Respite and Hospice Care

(H.P. 536) (L.D. 787)
(C. "A" H-95; S. "A" S-72)

An Act To Preserve Jobs and Primary Care Services in Rural and Underserved Areas of Maine

(S.P. 341) (L.D. 969)
(C. "A" S-68)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Define Prosthetic and Orthotic Devices for Purposes of the Sales Tax Law

(H.P. 695) (L.D. 1000)
(C. "A" H-110)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative GIDEON of Freeport, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES CALLING A CONVENTION OF THE STATES TO PROPOSE AMENDMENTS TO THE UNITED STATES CONSTITUTION TO IMPOSE FISCAL RESTRAINTS, LIMIT FEDERAL POWER AND IMPOSE TERM LIMITS

(H.P. 804)

TABLED - April 1, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **ADOPTION** (2/3 Vote Required).

Subsequently, the Joint Resolution was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**. Sent for concurrence.

SENATE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (S-66)** - Minority (1) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Penalize Legislators for Excessive Absences"

(S.P. 372) (L.D. 1046)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-66)**.

TABLED - May 7, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, Representative MARTIN of Sinclair moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 79

YEA - Alley, Austin, Bates, Battle, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Farnsworth, Farrin, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, White, Wood, Mr. Speaker.

NAY - Babbidge, Beavers, Evangelos, Fecteau, Harlow, Kruger, Monaghan, Powers, Rotundo, Sherman, Short, Welsh, Winsor.

ABSENT - Campbell J, Campbell R, Dion, Doore, Herrick, McClellan.

Yes, 132; No, 13; Absent, 6; Excused, 0.

132 having voted in the affirmative and 13 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-66) was READ** by the Clerk and **ADOPTED.**

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-66)** in concurrence.

JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES CALLING A CONSTITUTIONAL CONVENTION TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION REGARDING THE STATUS OF CORPORATIONS AS PEOPLE AND THE ROLE OF MONEY IN THE ELECTION PROCESS

(H.P. 956)

TABLED - May 12, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **ADOPTION** (2/3 Vote Required).

Subsequently, the Joint Resolution was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and sent for concurrence.

Bill "An Act To Require Removal of Mooring Equipment"

(H.P. 21) (L.D. 22)

(C. "A" H-34)

- In Senate, **PASSED TO BE ENACTED.**

TABLED - May 12, 2015 (Till Later Today) by Representative SHAW of Standish.

PENDING - **PASSAGE TO BE ENGROSSED.**

Subsequently, on motion of Representative SHAW of Standish, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-34) was ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-137) to Committee Amendment "A" (H-34)** which was **READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (H-34) as Amended by House Amendment "A" (H-137) thereto was **ADOPTED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-34) as Amended by House Amendment "A" (H-137)** thereto in **NON-CONCURRENCE** and sent for concurrence.

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-38)** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Allowable Security Freeze Fees Charged by a Consumer Reporting Agency"

(S.P. 150) (L.D. 382)

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-38) AS AMENDED BY SENATE AMENDMENT "A" (S-83)** thereto.

TABLED - May 13, 2015 (Till Later Today) by Representative BECK of Waterville.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Unanimous Committee Report was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-38) was READ** by the Clerk.

Senate Amendment "A" (S-83) to Committee Amendment "A" (S-38) was READ by the Clerk and **ADOPTED.**

Committee Amendment "A" (S-38) as Amended by Senate Amendment "A" (S-83) thereto was **ADOPTED.**

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-38) as Amended by Senate Amendment "A" (S-83)** thereto in concurrence.

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-124)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Allow York County To Better Provide Rescue and Ambulance Services"

(H.P. 124) (L.D. 166)

TABLED - May 13, 2015 (Till Later Today) by Representative MARTIN of Sinclair.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, on motion of Representative MARTIN of Sinclair, the Bill and all accompanying papers were **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

SENATE PAPERS

The following Joint Order: (S.P. 528)

ORDERED, the House concurring, that the Joint Standing Committee on Environment and Natural Resources shall report out, to the Senate, a bill related to the Department of Environmental Protection's Rule Chapter 500: Stormwater Management.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

The following Joint Order: (S.P. 527)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, May 19, 2015 at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

Bill "An Act To Authorize Two General Fund Bond Issues To Improve Highways, Bridges and Multimodal Facilities"

(S.P. 530) (L.D. 1415)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-136)** on Bill "An Act To Require Lienholders To Remove Liens Once Satisfied"

(H.P. 231) (L.D. 337)

Signed:

Senators:

WHITTEMORE of Somerset

BAKER of Sagadahoc

Representatives:

FOLEY of Wells

MELARAGNO of Auburn

PICCHIOTTI of Fairfield

PRESCOTT of Waterboro

WALLACE of Dexter

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

GRATWICK of Penobscot

Representatives:

BECK of Waterville

BROOKS of Lewiston

COOPER of Yarmouth

MORRISON of South Portland

TUCKER of Brunswick

READ.

Representative BECK of Waterville moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, my understanding of the purpose of the bill is that if a lien gets put on a piece of property, or whatnot, that that lien has to be removed within 60 days once the lien is paid in full. As an attorney, often times when we do title searches in the Registry of Deeds or the Secretary of State website, you go through and in order for someone to sell a car or sell a house or whatnot, you usually have to find clear title.

And so what that often means is, is that if you've taken out a mortgage or you've taken out a loan and somebody's put a lien on something, you technically can't sell that, or you shouldn't sell it without that lien being discharged. And so, to the extent that I understand the purpose of this bill is to say that those creditors that put a lien on something, whether it's a home or a car, or whatever piece of chattel that that lien be removed 60 days after payment in full of the underlying promissory note. And so, I'd just like to know if in fact that is my understanding of what the purpose of the bill is.

The SPEAKER: The Representative from Newport, Representative Fredette, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Beck.

Representative **BECK**: Thank you, Mr. Speaker, in regards to the question, the Representative from Newport, his understanding as far as chattels I think is incorrect. The bill exempts secure transactions that are under Title 11. It also exempts municipalities, who are the most common holder of liens. I should note, keeping my comments germane as I can, I believe the genesis of this bill was a tax lien, but the committee then saw fit to exempt municipalities from the requirements of the bill.

The Representative from Newport spoke as an attorney. The House should be aware, this bill provides a new cause of action with attorney's fees, more law suits, more litigation, if this bill was to be accepted. I pay respect for the sponsor, and you know his duty to his constituents. The committee tried to be as accommodating and as courteous as possible as we worked the bill. I don't recall anyone but the sponsor speaking in favor of the bill.

The House should be aware they should take their duty to vote yes or no very seriously. If we reject the pending motion and pass this law, we will upend the Common Property Law in this state, creating new cause of action with attorney's fees, when no one testified on the bill except the sponsor.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Foley.

Representative **FOLEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this bill is a fairly simple bill. It was developed to release liens, making sure that people who place liens on properties remove them within 60 days.

We did exempt municipalities from the legal action against them, but not the requirement to notify the owners of the liens that that lien has been released. And we did require that they don't have to do it by registered mail, only by first class mail. It's a very minimal thing for the town to do, but releasing liens is important because, as Representative Fredette said, we find many times that these liens get on credit reports, they stay there,

and they do deter people's credit, and it's incumbent upon anybody putting a lien on a property, even a municipality, that they release it in due time. So I request a roll call on this matter.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I apologize for rising a second time. I would only suggest that this is a consumer protection bill. I mean, this is sort of where you entered into a contract with a creditor and, essentially, we sort of rely upon the good faith of the creditor to, once you pay a note in full, that that lien on the piece of property is going to be discharged.

Now, what this does is provide a little bit of an incentive for those creditors to actually discharge what they in fact should under the terms of the contract. And again, this is a consumer protection piece, as the good Representative from Wells indicated. You know, not only does this impact a piece of property, you may go to sell your home, and when you go to sell your home, you typically have 30 days to do all the title work. You're moving out and what not, and then you get two days before the closing, and this happens quite frequently, the title search shows up a couple of undischarged liens and you need to go track down the lienholders and, "Well, those have been paid in full, but we don't know if the lien has been assigned to somebody else," and whatnot.

And so, this is a real burden on property owners and those people are impacted, not only by that, but as the good Representative from Wells indicated, on your credit reports, and so I think this is a common sense bill and we should only be asking creditors to do what's expected of them and that is to discharge their liens. And Mr. Speaker, I would ask that the Clerk read the Committee Report.

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The **SPEAKER**: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, a lot of conversation today about property, and I just pose a question through the Chair as debate was ensuing.

The **SPEAKER**: The Representative may pose his question.

Representative **McCABE**: Thank you, Mr. Speaker, I believe that this would exempt municipalities? I just was looking for clarification on that.

The **SPEAKER**: The Representative from Skowhegan, Representative McCabe, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Beck.

Representative **BECK**: Thank you, Mr. Speaker, the final committee amendment, which is not before you, but it did exempt municipalities. They probably would've already enjoyed protection under the Maine Tort Claims Act, but it invites an important point that if we reject this motion and upend the Common Property Law and provide for more litigation and more lawsuits, after the bill becomes law, I believe your phone will ring, Members of the House, and it will be from creditors like banks and credit unions, but also associations like road associations or snowmobile clubs, those who bind together and charge assessments to maintain land or roads. And when people don't pay their assessments, they place liens.

The alternative to this motion would mean making those groups vulnerable to lawsuits and attorney's fees. I'm very pleased to hear my good friend, the good Minority Leader, speaking highly of consumer protection laws and committee reports and lawsuits.

The **SPEAKER**: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I just wanted to explain why I was on the Ought Not to Pass Report, and that is because one of the things that we learned is that there are many kinds of liens and they're subject to different rules. For example, liens filed under the UCC are subject to certain kind of regulations about the duty to lift those liens when they are satisfied, whereas other liens have different legal requirements. And rather than get into the thicket of all those different kinds of rules, we thought it best to leave the state of the law as it is.

The **SPEAKER**: The Chair recognizes the Representative from Wells, Representative Foley.

Representative **FOLEY**: Thank you, Mr. Speaker, I apologize for rising a second time, I just wanted to clarify that the law as we wrote it says, "Remove within 60 days, unless specified by other provisions of law." So, any other provisions of law that have different periods of time to release liens has been recognized in this law and the only part of the bill that we did exempt municipalities is under the Liabilities Section from being sued for their cost of removing the lien because we felt that that was a burden on the taxpayers of the town if they were allowed to be sued. But the towns still have to, the town are still included in having to release the lien and notifying the property owners. Thank you, Mr. Speaker.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 80

YEA - Babbidge, Bates, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chenette, Chipman, Cooper, Daughtry, Davitt, Devin, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Hamann, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Warren, Welsh, Mr. Speaker.

NAY - Alley, Austin, Battle, Beavers, Bickford, Black, Buckland, Chace, Chapman, Corey, Crafts, DeChant, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Grohman, Guerin, Hanington, Hanley, Harlow, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McElwee, Melaragno, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Campbell J, Campbell R, Dion, Doore, McClellan.

Yes, 71; No, 75; Absent, 5; Excused, 0.

71 having voted in the affirmative and 75 voted in the negative, with 5 being absent, and accordingly the Minority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, Representative BECK of Waterville moved that the Bill be **TABLED** until later in today's session pending **ACCEPTANCE** of either Report.

Representative TIMBERLAKE of Turner **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **ACCEPTANCE** of either Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Table until later in today's session pending Acceptance of either Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 81

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Bickford, Black, Buckland, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Harlow, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Campbell J, Campbell R, Dion, Doore, McClellan.

Yes, 78; No, 68; Absent, 5; Excused, 0.

78 having voted in the affirmative and 68 voted in the negative, with 5 being absent, and accordingly the Bill was **TABLED** until later in today's session pending the motion of Representative BECK of Waterville to **ACCEPT** either Report.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative PICKETT of Dixfield, the House adjourned at 11:59 a.m., until 10:00 a.m., Tuesday, May 19, 2015, pursuant to the Joint Order (S.P. 527) and in honor and lasting tribute to Maine State Police Detective Giles Landry, of Lewiston, who was killed in the line of duty on May 31, 1989.